

## REMARKS

Claims 1-90 are now pending in the application. While Applicant disagrees with the current rejections, Applicant has amended the claims to expedite prosecution. Applicant reserves the right to pursue the claims as originally filed in one or more continuing applications. Minor amendments have been made to the specification and claims to simply overcome the objections to the claims and the rejections of the claims under 35 U.S.C. § 112. Support for the amendments to the claims can be found throughout the drawings and specification. As such, no new matter is added. The Examiner is respectfully requested to reconsider and withdraw the rejections in view of the amendments and remarks contained herein.

## DRAWINGS

The drawings stand objected to for certain informalities. In particular, the Examiner alleges that "descriptive labels other than numerical are needed for figures 1-13." Applicant respectfully disagrees.

Applicant respectfully notes that descriptive legends may be required "where necessary for understanding of the drawing." 37 CFR § 1.84(o). Applicant respectfully submits that descriptive legends are not necessary for understanding any of FIGS. 1-13, and the Examiner fails to provide any evidence in support of this allegation.

For example, with respect to FIG. 1, the Examiner states that "all elements should be labeled." Applicant notes that all elements shown in FIG. 1 are labeled. The corresponding description references clock signals 102 and 104, clock cycles 106A, 106B, and 106C, and clock cycles 108A, 108B, and 108C, all of which are labeled in FIG. 1. No

other labels are necessary to understand that FIG. 1 illustrates two clock signals, each having three clock cycles.

Similarly, with respect to FIGS. 2-4, 6, 7, 9, 10, 12, and 13, the Examiner states that elements 200, 300, 400, 600, 700, 900, 1000, 1200, and 1300, respectively, should be labeled. Applicant respectfully submits that no labels other than reference numerals are required to understand these elements or the drawings. All of these reference numerals are clearly described in the specification, and one skilled in the art would merely have to consult the corresponding description to identify the element and understand the drawing.

With respect to FIGS. 5 and 8, elements P and D are clearly labeled with reference numerals P and D1-D4. These reference numerals are identified as a period P and delays D1-D4 in the specification. Here again, all of these reference numerals are clearly described in the specification, and one skilled in the art would merely have to consult the corresponding description to identify the element and understand the drawing.

With respect to FIG. 11, the Examiner alleges "no labeled ref for clock signals." Applicant respectfully notes that each of the signals illustrated in FIG. 11 is identified with a reference numeral (e.g. TCLK1, TCLK2, TCLK3, and TCLK4). Each of these reference numerals is identified in the corresponding description in the specification, and one skilled in the art would merely have to consult the corresponding description to identify the element and understand the drawing.

In view of the foregoing, Applicant respectfully submits that additional legends/labeling are not required for one skilled in the art to understand the drawings, and that the objection to the drawings is improper. Applicant respectfully requests that the Examiner withdraw this objection.

**REJECTION UNDER 35 U.S.C. § 112**

Claims 13-24 are rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. This rejection is respectfully traversed.

The Examiner alleges that claims 13-24 are single means claims, citing MPEP § 2164.08(a). Applicant respectfully disagrees because independent claim 13 clearly recites more than a single means limitation.

Applicant respectfully notes that the cited section defines a single means claim as a means recitation **that does not appear in combination with another recited element of means**. Applicant notes that claim 13 recites:

- i) control means for providing a control signal;
- ii) signal generator means for receiving a first clock signal, changing the duration of m selected pulses, and applying the second clock signal; and
- iii) analysis means for identifying one of the signal paths as flawed.

In other words, claim 13 recites at least three means elements. As such, independent claim 13 does not include a means recitation that does not appear in combination with another recited element of means. Accordingly, Applicant respectfully submits that this rejection is improper.

Claims 1-90 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point and distinctly claim the subject matter which Applicant regards as the invention. This rejection is respectfully traversed.

Applicant amended the claims to remove the recitations of "adapted to" according to the Examiner's suggestions. With respect to claims 47-68, Applicant amended

claims 47 and 58 to recite k pulses comprising j pulses and m pulses, wherein  $k = m + j$ .

As such, Applicant respectfully submits that claims 1-90 are now definite.

**REJECTION UNDER 35 U.S.C. § 101**

Claims 36-46 and 80-90 are rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. This rejection is respectfully traversed.

Applicant amended claims 36-46 and 80-90 to recited a computer readable medium encoded with a computer program according to the Examiner's suggestions. As such, Applicant respectfully submits that claims 36-46 and 80-90 are now directed to statutory subject matter.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicant therefore respectfully requests that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action and the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

Dated: April 10, 2008

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